

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

OZELIA HICKS, JR.,

Petitioner,

v.

Civil Action No. 3:18CV664

COMMONWEALTH OF VIRGINIA,

Respondent.

MEMORANDUM OPINION

Ozelia Hicks, Jr. has filed a "Receipt for Renewed/Refiled Authorization and or COA as to Habeas Corpus Ozelia Hicks, Jr. v. Commonwealth of Virginia et al." ("Authorization Request," ECF No. 1.) In this request, Hicks asks for "authorization under § 2244 Second or Sucessive [sic] Habeas Corpus § 2244(b)(2) 2255(H) Under (No Probable Cause) or COA." (Id. at 1.) To the extent that Hicks seeks permission to file a successive petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, Hicks must direct the request to United States Court of Appeals for the Fourth Circuit, not to this Court. Moreover, the Court has previously denied Hicks a certificate of appealability with regard to his original, non-successive § 2254 petition, and the Fourth Circuit dismissed the appeal. See Hicks v. Clarke, No. 3:15CV123, 2016 WL 901265, at *1 (E.D. Va. Mar. 3, 2016), appeal dismissed, 667 F. App'x 796 (4th Cir.

2016). Accordingly, Hicks's Authorization Request (ECF No. 1) will be denied and the action will be dismissed.

The Clerk is directed to send a copy of the Memorandum Opinion to Hicks.

It is so ORDERED.

/s/

Robert E. Payne
Senior United States District Judge

Date: November 1, 2018
Richmond, Virginia